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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,033	12/01/2000	Beerud D. Sheth	21673-05143	2583

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EXAMINER

SNAPP, SANDRA S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,033

Applicant(s)

SHETH, BEERUD D.

Examiner

Sandra Snapp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11, 13-17 & 19 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 12 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 8, 9. 6) ☐ Other: _____

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DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDSs) submitted on 12/29/00, 1/9/01, 4/8/03 and 9/17/03 were filed in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements were considered by the examiner.

Drawings

The drawings are objected to because they contain black surface shading and the margins do not comply with the requirements of 37 C.F.R. 1.84. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 5, 6, 10, 15, 16, 17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 5, 6, 10, 15 and 16 are indefinite because they recite the limitation “a service provider” when “a service provider” was previously recited in the fourth line of claim 1.

Therefore, there is some confusion as to whether the subsequent recitations of “a service

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provider” is referring to the service provider recited previously in claim 1 or a different service provider. If it is the same service provider, subsequent recitations should be receded by “the” or “said.” If it is a different service provider, then it should be differentiated from that recited in claim 1.

Claims 15, 16 and 17 are indefinite because they recite the limitation “the requested predetermined service.” However, a “requested predetermined service” has not been previously recited, and thus the limitation lacks proper antecedent basis.

Claim 19 is indefinite because line 6 states, “a set of service providers, receiving a deliverable from the service provider” wherein “the service provider” lacks proper antecedent basis as the first recitation was for plural “providers.”

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-11, 13-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Huberman patent (US 6,078,906).

The Huberman patent discloses a computer implemented method, comprising:

Establishing a database of service providers for providing a predefined service (col. 3, lines 1-20), receiving a purchase request for the predefined service from a buyer (col. 3, lines 1-

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20), assigning the purchase request to a service provider in the database (col. 3, lines 1-20), and returning a deliverable from the service provider to the buyer (col. 3, lines 1-20) (claim 1);

Receiving from a service provider a number of units of service that the service provider can provide in a predetermined time period (col. 4, lines 59-67) (claim 2);

Determining a number of units of service that the service provider is currently working on (col. 3, lines 1-20) (claim 3);

Associating each service provider with a predefined service (col. 9, lines 53-65) (claim 4);

Receiving the number of deliverables requested (col. 5, lines 26-31) (claim 7);

Assuming one deliverable is requested (col. 5, lines 26-31) (claim 8);

Receiving a payment from the buyer (col. 5, lines 32-35) (claim 9);

Receiving a payment from the buyer prior to assigning the predefined service to a service provider (col. 5, lines 32-35) (claim 10);

Uploading a file required to complete the predefined service (col. 5, lines 36-60) (claim 11);

Receiving special instructions from the buyer relating to the requested predefined service (col. 4, lines 59-67) (claim 13);

Selecting a next service provider from an ordered queue of service providers (col. 4, lines 1-20) (claim 14);

Sending a request for the requested predetermined service to a service provider (col. 3, lines 1-20) (claim 15);

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Sending a request for the requested predetermined service to a service provider whose reputation is above a reputation threshold entered by the buyer (col. 3, lines 1-20) (claim 16);

Receiving the deliverable from the service provider and returning the deliverable to the requesting buyer (col. 5, lines 26-31) (claim 17); and

An apparatus used by a buyer for purchasing predefined services over a network, comprising:

A web server for connecting to the network (col. 3, lines 1-20), a storefront service module connected to the web server for obtaining information for completing a service request from the buyer (col. 3, lines 1-20), sending the information to one of a set of service providers (col. 3, lines 1-20), receiving a deliverable from the service provider (col. 3, lines 1-20) and sending the deliverable to the buyer (col. 3, lines 1-20), and a database connected to the storefront service module for storing availability information for the set of service providers (col. 3, lines 1-20) (claim 19).

Allowable Subject Matter

Claims 5, 6, 12 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: none of the cited prior art references teach or disclose a system wherein a service provider is added to the database if the reputation of the service provider exceeds a predetermined threshold, in particular, none of the references discuss the reputations of the service providers.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Shavit et al., Bahreman, Harrington et al., Papierniak et al., Giovannoli are directed to electronic negotiation systems. The Rieken et al., Athing et al., Ahuja et al., Jacobi et al. and DiAngelo et al. patents are directed to electronic commerce systems. The Peckover and Silverman et al. patents contain systems that provide for ranking of various variables.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


SS



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600